



Wi Di Uman Dem



February 4, 2016

His Excellency Dr. Ernest Bai Koroma
President, Republic of Sierra Leone
State House
Freetown, Sierra Leone

RE: Passage of “Safe Abortion Act” bill

Dear Mr. President,

We, the undersigned organizations, write today to urge you to sign into law the “Safe Abortion Act 2015,” recently overwhelmingly passed by the Parliament, which will increase women and girls’ access to safe and legal abortion. By signing this bill, you would be taking a crucial step toward protecting women and girls’ right to health in Sierra Leone.

In December, you addressed Parliament on the crisis of maternal mortality in Sierra Leone, noting the current statistics and the need for “greater urgency to address this tragedy.”¹ While Sierra Leone has over the past decade taken meaningful steps to confront the problem of women and girls dying from preventable deaths during pregnancy, World Health Organization data shows the 2015 maternal mortality ratio in Sierra Leone is an alarming 1,360 deaths per 100,000 live births, one of the highest in the world.² Unsafe abortions — often resulting from restrictive laws and poor access to sexual and reproductive health services, information, and education — is one of the main factors contributing to maternal deaths in Sierra Leone.³

¹ “Speech By H.E. Dr. Ernest Bai Koroma President Of The Republic Of Sierra Leone At The State Opening Of Parliament,” December 11, 2015, <http://www.statehouse.gov.sl/index.php/presidents-speeches/1401-speech-by-he-dr-ernest-bai-koroma-president-of-the-republic-of-sierra-leone-at-the-state-opening-of-parliament-11-december-2015> (accessed February 3, 2016).

² World Health Organization, “Sierra Leone statistics summary (2002 - present),” <http://apps.who.int/gho/data/node.country.country-SLE> (accessed February 1, 2016).

³ United Nations Office of the High Commissioner for Human Rights (OHCHR), “UN and African experts urge Sierra Leone’s President to save millions of women’s lives by signing the 2015 Safe Abortion Bill,” press release, January 28, 2016, <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=16994&LangID=E> (accessed February 3, 2016); Sierra Leone Government Ministry of Health and Sanitation, “Reproductive, Newborn and Child Health Strategy, 2011-2015,” July 2011, <http://www.mamaye.org/sites/default/files/evidence/RNCH%20Strategy%20Design.pdf> (accessed February 2, 2016).

The bill recently passed by the Parliament would permit access to abortion during the first 12 weeks of pregnancy, after which it is permitted until week 24 only in cases of rape, incest, or risk to the health of fetus or the woman or girl. It also allows for girls under the age of 18 access to abortion with the permission of a guardian. For girls 15-19 globally, due to their young age and physical immaturity, complications during pregnancy and childbirth is one of the leading causes of death.⁴ Girls often have less access to sexual and reproductive health information and contraceptives that can help them prevent unplanned pregnancies. Adolescent girls are at high risk of sexual violence, for example in the context of child marriage.

The existing Offences Against the Person Act of 1861 criminalizes abortion, possibly except in cases where the mother's life is at risk.⁵ The existing law denies legal abortions in all other cases, forcing women and girls to carry on unwanted pregnancies, or to resort to an illegal abortion. Illegal abortions—often performed in clandestine, unsafe conditions by unqualified practitioners – may have serious short and long-term health effects and often result in injury, disability or death. The current multiple restrictions on abortion can mean that even those women and girls who might qualify for a legal abortion may not be able to find a healthcare provider who is willing to provide one.

The restrictions to safe and legal abortion under the current law undermine several rights of women and girls protected under international human rights law, including the rights to the highest attainable standard of physical and mental health, life, non-discrimination, privacy, physical integrity, and freedom from cruel, inhuman, or degrading treatment.

International human rights law and authoritative interpretations conclude that women have a right to decide independently in all matters related to reproduction, including abortion. International human rights law is clear that abortion must be available to all women and girls at a minimum in cases of rape and incest, when the health or life of a woman or girl is at risk, and in cases of severe or fatal fetal impairment. This was recently reiterated in a statement by the United Nations Committee on the Elimination of Discrimination against Women (CEDAW) from 2014, which called on states to permit abortion, at a minimum, in these three cases prescribed in international law and to remove all punitive measures for women and girls who seek or have abortions.

The UN Committee on the Rights of the Child has also recommended that governments ensure children have access to confidential medical counsel and assistance without parental consent, including for reproductive health services, when in the adolescent girl's best interests. It has

⁴ World Health Organization, "Adolescent pregnancy fact sheet N°364," September 2014, <http://www.who.int/mediacentre/factsheets/fs364/en/> (accessed February 2, 2016).

⁵ Center for Reproductive Rights, Letter to CEDAW Secretariat (OHCHR), "Re: Supplementary Information on Sierra Leone, scheduled for review by the U.N. Committee on the Elimination of Discrimination against Women during its 57th Session (February 2014)," January 24, 2014, <http://www.reproductiverights.org/sites/crr.civicactions.net/files/documents/CEDAW%20Shadow%20Letter%20on%20Sierra%20Leone%2057th%20Session%202014.pdf> (accessed February 3, 2016).

specifically called for confidential access for adolescent girls to legal abortions. Sierra Leone's current legislation regulating abortion, signed over a century ago, does not meet these standards.

Sierra Leone's current legal restrictions on abortion contravene numerous international and regional commitments the country has made, including through the ratification of the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa.⁶ That protocol requires states to take all appropriate measures to protect the reproductive rights of women and girls, including by authorizing abortion in cases of sexual assault, rape, incest, and where the continued pregnancy endangers the mental and physical health of the woman or the life of the woman or the fetus.

The Sierra Leone Parliament's passage of the "Safe Abortion Act" in December 2015 was an important step towards complying with Sierra Leone's human rights obligations by removing this legislative barrier to women and girls' rights and health. We urge you to sign into law this landmark bill, which has the potential to improve the lives of Sierra Leonean women, and prevent thousands of needless deaths, injuries, and disabilities.

Thank you for your prompt attention to this crucial issue.

Sincerely,

Human Rights Watch
Amnesty International
50/50
AdvocAid
Centre for Accountability and Rule of Law
IPAS Sierra Leone
Wi Di Uman Dem Coalition

⁶ Office of the Clerk of Parliament, Sierra Leone, "Parliament Passes the 2016 Appropriation Act Into Law," press release, December 9, 2015, <http://www.parliament.gov.sl/Portals/0/2014%20DOCUMENT/MEDIA%20&%20PR/PRESS%20RELEASES/PARL%20PASSES%202016%20APPROPRIATION%20BILL%209%20DEC%202015.pdf> (accessed February 2, 2016).